

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY
PILLOW, INC.,

Defendants.

Case No. 22-cv-0098-JMB-JFD

**SMARTMATIC’S RULE 37(C)(1) MOTION TO EXCLUDE EXPERT
DECLARATIONS OF BENJAMIN COTTON**

Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited (collectively, “Smartmatic”), by and through their undersigned counsel, hereby move this Court, pursuant to Federal Rule of Civil Procedure 37(c)(1), to exclude the Declarations of Benjamin R. Cotton submitted on December 13 and December 27, 2024. (ECF Nos. 464 and 481.) The reasons for this motion are set forth in a forthcoming letter to the Court, as well as Smartmatic’s Reply in Support of its Motion for Partial Summary Judgment (ECF No. 470 at 7, n.4) and Smartmatic’s Reply Memorandum

of Law in Support of its Motion to Exclude the Opinion and Testimony of Benjamin Cotton
(ECF No. 475 at 11).

Dated: January 10, 2025

Respectfully submitted,

/s/ Timothy M. Frey_____

Christopher K. Larus
Minnesota Bar No. 0226828
CLarus@robinskaplan.com
William E. Manske
Minnesota Bar No. 0392348
WManske@robinskaplan.com
ROBINS KAPLAN LLP
800 LaSalle Avenue, Suite 2800
Minneapolis, MN 55402
Telephone: (612) 349-8500

J. Erik Connolly (admitted *pro hac vice*)
EConnolly@beneschlaw.com
Illinois ARDC No. 6269558
Nicole E. Wrigley (admitted *pro hac vice*)
NWrigley@beneschlaw.com
Illinois ARDC No. 6278749
Timothy M. Frey (admitted *pro hac vice*)
TFrey@beneschlaw.com
Illinois ARDC No. 6303335
Julie M. Loftus (admitted *pro hac vice*)
JLoftus@beneschlaw.com
Illinois ARDC No. 6332174
**BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP**
71 South Wacker Drive, Suite 1600
Chicago, IL 60606
Telephone: (312) 212-4949

James R. Bedell (admitted *pro hac vice*)
JBedell@beneschlaw.com
Ohio Bar No. 97921

**BENESCH, FRIEDLANDER, COPLAN &
ARONOFF LLP**

127 Public Square, Suite 4900

Cleveland, OH 44114

Telephone: (216) 363-4500

Attorneys for the Plaintiffs